

REMARKS/ARGUMENTS

Claims 1-18 are pending in the present application. In the Office Action mailed September 20, 2005, the Examiner rejected claims 1-18 under 35 U.S.C. § 102.

Reconsideration is respectfully requested in view of the above amendments to the claims and the following remarks.

I. Claims 1-18 Rejected Under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-18 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,519,704 to Farinacci *et al.* (hereinafter “Farinacci”). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited reference in the Farinacci does not disclose all of the limitations in these claims. With respect to independent claims 1, 7, 9, 15, and 17 these claims all include limitations such as “receiving a request to perform a task for a plurality of devices...,” “performing said task using a multicast message . . .”, “receiving a request to complete said task . . .”, “determining whether said task was completed . . .”, and “performing said task using a unicast message . . .”. However, the Applicants have amended these claims to further define that “the task comprises copying a file, installing a software application, updating a software application or sending batch data.” Support for this

limitation may be found in Applicants' specification such as, for example, p. 3, line 23 – p. 4, line 2 and p. 19, lines 3-11.

Applicants respectfully assert that this limitation is not disclosed by Farinacci. Specifically, Farinacci does not disclose anything related to copying a file, installing a software application, updating a software application or sending batch data, which are the required “tasks” according to the present claims. Rather, Farinacci teaches a specific method of communication through a nodal network that will “prevent loops.” Farinacci, Col. 5, line 22. Accordingly, Farinacci teaches that each node in the network (designed as nodes 301a-301d) will send queries to its adjacent nodes to determine if this node has a “feasible successor”—*i.e.*, a downstream, adjacent node that it can communicate with and ultimately transmit a message to the last node in the chain (node 301n). Using the information gathered regarding these “feasible successors,” the router 105 and/or the nodes 301 can then determine the network topology and find an efficient, loop-free pathway of communication leading to node 301n. *See* Farinacci, Col. 5, lines 26-65.

Thus, because there is no disclosure in Farinacci of the specific tasks outlined by the claims—*i.e.*, copying a file, installing a software application, updating a software application or sending batch data, these claims cannot be anticipated by this reference. Withdrawal of this rejection is respectfully requested.

Claims 2-3 depend either directly or indirectly from claim 1. Claim 8 depends directly from independent claim 7. Claims 10-11 depend directly from claim 9. Claim 16 depends directly from independent claim 15. Claim 18 depends directly from independent claim 17. Accordingly, Applicants respectfully request that the rejection of claims 2-3, 8, 10-11, 16, and 18 be withdrawn for at least the same reasons as those presented above in connection with independent claims 1, 7, 9, 15, and 17.

With respect to claims 4-6 and 12-14, these claims recite the limitations of “sending said information to said plurality of devices using a broadcast message” and then later, “sending said information to said at least one device using a unicast message....” The fact that both of these claim

limitations recite the term “said information” means that the information sent in the broadcast message must also be sent in the unicast message.

However, Farinacci, as cited by the Examiner, does not disclose such limitations. Rather, Farinacci discloses that the information that is allegedly sent out via a broadcast message is a “query packet” whereas the information that is allegedly sent out in the unicast message is a “reply packet” that “responds” to the query packet. Farinacci, Col. 5, lines 55-57 and 64-67. The fact that one of these transmissions is a “query packet” and one of these transmissions is a responsive “reply packet” means that, of necessity, the same information is not being sent out during each particular transmission. *See id.* Accordingly, this disclosure of Farinacci does not satisfy the plain language of claims 4-6 and 12-15 which requires that the information sent out in the two separate transmission be the same. Withdrawal of this rejection is respectfully requested.

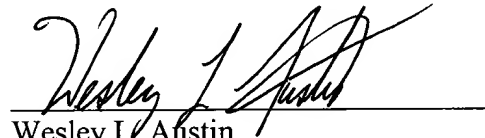
Applicants note that similar arguments were made in the prior Office Action response; however, these arguments were not commented on and/or addressed by the Examiner. Applicants respectfully request that, if the Examiner does not find these arguments to be persuasive, the Examiner particularly point where the disclosure of this element occurs in Farinacci and/or why such arguments are unpersuasive. That way, Applicants will know how to appropriately respond to this issue and will be able to further advance prosecution.

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Amdt. dated December 20, 2005
Reply to Office Action of September 20, 2005

II. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin", is written over a horizontal line.

Wesley L. Austin
Reg. No. 42,273
Attorney for Applicant

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MADSON & METCALF
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700